

REMARKS

Examiner Gehman has rejected the originally filed claims 1, 2, 5-16 and 18-20 of the present application. For the reasons which follow, applicant respectfully traverses this rejection of the Examiner. The applicant does, however, wish to extend appreciation to Examiner Gehman for the quite detailed review of the claims of the present invention leading to the finding of patentable subject matter of the originally filed claims of the present application and an indication of the allowability of claims 3, 4 and 17 if rewritten.

The claims have been amended in a manner believed desired by the Examiner to overcome the rejection under 35 U.S.C. § 112. Favorable reconsideration is respectfully requested.

With the § 112 rejection overcome, it is respectfully submitted that claims 3, 4 and 17 are in condition for allowance for the reasons recognized by Examiner Gehman. Such favorable action is respectfully requested.

With the positive recitations of the tool, it is respectfully submitted that claim 1 defines structure for "exerting a frictional force to the outer surface of a rotatable member" which clearly is not present in the prior art cited by the Examiner. Furthermore, claims 2, 5-16, 18 and 19 further define such structure in a manner to distinguish the claims from the prior art. Thus, it is respectfully submitted that the rejections of claims 1, 2, 5-16, 18 and 19 have been overcome. Favorable reconsideration is respectfully requested.

Additionally, claims 21 and 22 have been added which further define the frictional retaining member and claim 23 has been added which further defines the tool in a manner to distinguish claims 21-23 from the prior art. Thus, it is respectfully submitted that claims 21-23 are in condition for allowance for these separate and independent reasons. Favorable reconsideration is respectfully requested.

With respect to the restriction requirement, Figures 6-9 are hereby elected, subject to traverse. Claims 1, 15 and 21-23 are generic to all Figures. Claim 2 is generic to Figures 1-17. Claim 3 is generic to Figures 1-10. Claims 4, 13, 14 and 17 are directed to Figures 5-9. Claim 16 is generic to Figures 1-10 and 16. Thus, claims 1-4, 13-17 and 21-23 should be examined in this application.

Other than the existence of more than one embodiment, the Examiner has not indicated any reason for restriction. From a simple review of issued patents, claims directed to multiple embodiments are often included, and the mere existence of multiple embodiments is not a basis for restriction. In this regard, the Examiner has not indicated that the fields of

search are different, that any extra effort would be required for searching or examination, or the like.

Thus, for patent office economics and efficiencies, the restriction requirement should be withdrawn.

The Examiner has cited the United States patents listed in NOTICE OF REFERENCES CITED as A, C and D. By the lack of application of these references and others like them within the classes or subclasses searched, the Examiner apparently recognizes the clear patentability of the present invention over any of these references.

Therefore, since the claims of the present application have been shown to include limitations directed to the features of applicant's tool try-on device which are neither shown, described, taught, nor alluded to in any of the references cited by the Examiner, whether those references are taken singly or in any combination, the Examiner is requested to allow claims 1-19 and 21-23, as amended, of the present application and to pass this application to issue.

Respectfully submitted,

Bobby Hu



Alan D. Kamrath, Reg. No. 28,227
NIKOLAI & MERSEREAU, P.A.
Attorneys for Applicant(s)
900 Second Avenue South
Suite 820 International Centre
Minneapolis, MN 55402
Tel: (612) 392-7306
Fax: (612) 349-6556

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